IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIRST DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 23320 of 2004

Between:

1 Md. Shahwar Ahmed, S/o Md. Faiz Ahmad,
R/o 7-4-51, Charvadan Street, Siddipet, Medak District.
2 Md. Riyasath Ali, S/o Md. Rahmath Ali,
R/o 11-86, Kazimehalla , Narsapur, Medak District.

..... PETITIONERS

AND

1 The Andhra Pradesh Central Power Distribution Company Ltd,
Rep. by its Chairman and Managing Director,

Singareni Bhavan, Khairatabad, Hyderabad.
2 The Superintending Engineer, APCPDCL,

Operation Circle, Medak at Sangareddy.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ of mandamus or any other appropriate writ or order or direction declaring the action of the respondents in letter No. SE/OP/MDK/PO/ADM/CI/D.No.:3134/2002 dated 22-11-2002 as illegal, arbitrary, and in violation of principles of natural justice apart from violation of fundamental rights guaranteed under Articles 14 and 16 of the Constitution of India with the consequential direction to the respondents to forth with absorb the petitioners into respondents company either office assistants/sub - engineer to which the petitioners are eligible and pass such other order or orders.

Counsel for the Petitioners :Mr.DASARI VIJAYA KUMAR

Counsel for the Respondents : Mr.S.KISHORE

The Court at the stage of admission made the following :

ORDER:

Declaring the action of the respondents in letter No.SE/OP/MDK/PO/ADM/CI/D.NO.3134/2002, dated 22-11-2002 as illegal, arbitrary and in violation of principles of natural justice and consequently direct the respondents to forthwith absorb the petitioners into respondents company either Office Assistants/Sub-Engineers, the present writ petition is filed.

The brief facts that are necessary for disposal of the writ petition are as follows:

The first and second petitioners first of all joined in the respondent-company on 22-11-2002 and therefore they both qualified and eligible for the post of Sub-engineers. The second respondent issued a memo dated 22-11-2002 with approval of the first respondent for engaging Office Assistants in the sections and sub-divisions. The second respondent also gave vacancy position of the sub-engineers sections and sub-divisions. First petitioner is working as office assistant in the place of sub-engineer and the second petitioner is working as office assistant in the place of sub-engineer at the rate of Rs. 3,400/- per month. The second respondent informed that any engagement on contract basis through the contractor in an operation circle without prior permission of corporate office as per the memo issued on
17-5-2004. The Chief General Manager issued instructions to all superintending engineers to furnish the details of contract labour engaged information given to the section vise. But the second respondent is not submitted the list to the Chief General Manager. The petitioners made a representation to the authorities several times, but the respondents are not taking any steps to continue the petitioners as office assistants. Hence the present writ petition is filed.

In spite of giving several opportunities, the respondents did not file any counter.

The learned counsel appearing for the petitioners contended that as per the proceedings of the Central Power Distribution Company of Andhra Pradesh Limited, dated
22-11-2002, approval is given to the Assistant Divisional Engineers to engage Office Assistants in the place of Sub-Engineers with minimum educational qualifications, but the writ petitioners though worked in the respondents company, they have not given any appointment orders and therefore they pray to set aside the proceedings as illegal, arbitrary and in violation of principles of natural justice with a

consequential direction to the respondents to forthwith absorb the petitioners into the respondents company. The petitioners seem to have worked with Ali and Sons from 01-12-2002 to 31-03-2004. Basing on the contract agreement with the respondents organization, the petitioners have not filed any document to show that they were appointed directly by the respondents. Insofar as the challenge made to the proceedings of the first respondent dated 22-11-2002 with regard to engaging of Sub-engineers through private agency, it is for the respondents to take appropriate decision whether to engage any sub-engineer through private agency. These proceedings only go to show about the vacancy position of Sub-Engineers in Sections and Sub divisions. Even if vacancies are there, the petitioners who worked with the contractors cannot have any right for appointment as absorption as office assistants or sub-engineers since at no point of time they were selected in the selection procedure of the respondents. Therefore, the petitioners have no right to ask for absorption as Sub-engineers.

Hence the writ petition is totally devoid of merits and is dismissed.

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K.C.BHANU, J.

Dt: 01-03-2005.

Note: CC in three days.

B/O

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To

1 The Chairman and Managing Director,

Andhra Pradesh Central Power Distribution Company Ltd,
Singareni Bhavan, Khairatabad, Hyderabad.

2 The Superintending Engineer, APCPDCL,

Operation Circle, Medak at Sangareddy.

3 Two CD copies